

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54311 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Dayashankar Singh Yadav @ Dayashankar Son of Chunnilal Yadav Resident
of Vill- Gadanpur, Gaura, P.S.- Khanpur, District- Gazipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Excise (Bhabhua) P.S. Case No.295 of 2024 under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution, the FIR has been lodged against two named accused persons including the petitioner as he is owner of the vehicle against whom there is allegation that recovery of 126 liter wine has been made which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner has not been apprehended from the place of occurrence rather the recovery has been made from his vehicle.

5. Counsel has taken specific plea that he has given



his vehicle to one Dinesh Yadav and due to lack of knowledge that he was carrying wine on his vehicle by virtue of which the petitioner's name has figured in this case.

6. Counsel also submits that antecedent of the petitioner is clean and only due to the reason that he has helped to his known persons by providing his vehicle, he become accused in this case.

7. Learned APP for the State opposes the prayer for bail.

8. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Kaimur at Bhabhua or his successor in connection with Excise (Bhabhua) P.S. Case No.295 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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